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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
 ORACLE AMERICA, INC.; a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**DECLARATION OF JOHN A.
 POLITO IN SUPPORT OF
 ORACLE'S OBJECTION TO
 MAGISTRATE JUDGE
 FERENBACH'S REPORT AND
 RECOMMENDATION ON
 ORACLE'S MOTION FOR
 SANCTIONS PURSUANT TO
 RULE 37**

1 I, John A. Polito, declare as follows:

2 1. I am an attorney admitted to practice *pro hac vice* before this Court in the above
 3 captioned matter, and a partner at Morgan, Lewis & Bockius LLP, counsel of record in this action
 4 for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corp. (collectively,
 5 “Oracle”). I submit this declaration in support of Oracle’s Objection to Magistrate Judge
 6 Ferenbach’s Report and Recommendation on Oracle’s Motion for Sanctions Pursuant to Rule 37.
 7 I have personal knowledge of the facts set forth in this declaration and would competently testify
 8 to them if called upon to do so.

9 2. At my direction and under my supervision, Morgan Lewis personnel analyzed the
 10 timing of customers’ responses to third-party subpoenas in *Rimini I* and *Rimini II*.

11 3. In *Rimini I*, the average response time for third-party subpoenas to customers was
 12 164 days across the 266 customers that produced documents.

13 4. In *Rimini II*, the average response time for third-party subpoenas to customers was
 14 185 days across the 531 customers that produced documents.

15 5. In *Rimini II*, at least 42 of the customers that received and responded to the
 16 subpoena produced no documents, at all.

17 I declare under penalty of perjury under the laws of the United States that the foregoing is
 18 true and correct.

19 Executed October 5, 2020 at Berkeley, California.

20 DATED: October 5, 2020

MORGAN, LEWIS & BOCKIUS LLP

21 By: /s/ John A. Polito
 22 John A. Polito

23 Attorneys for Plaintiffs Oracle USA, Inc.,
 24 Oracle America, Inc., and Oracle
 25 International Corporation
 26
 27
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2020, I electronically transmitted the foregoing DECLARATION OF JOHN A. POLITO IN SUPPORT OF ORACLE'S OBJECTION TO MAGISTRATE JUDGE FERENBACH'S REPORT AND RECOMMENDATION ON ORACLE'S MOTION FOR SANCTIONS PURSUANT TO RULE 37 to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

DATED: October 5, 2020

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ John A. Polito
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle
International Corporation